

REMARKS

Reconsideration and withdrawal of the rejection with respect to all of the claims now in the application (i.e., claims 22, 23, 25-32, 34-39, 54-63) is respectfully requested in view of the foregoing amendments and the following remarks.

Concerning initially the § 112 rejection of claims 40-53, applicant has cancelled claims 40-53. With respect to the § 112 rejection of claim 36, applicant has amended the claim to properly depend from claim 32. It is now believed that these amendments overcome all of the § 112 rejections.

By this amendment, Applicant has amended independent claims 22 and 32 to delete the provision that the chamber wall is a manhole chamber wall. Moreover, Applicant has amended claims 22, 32, 38, 39 and 55, so as to delete the provision that the tubular sleeve is "adapted to pass through the opening in the chamber wall" and also have been further amended to indicate that the tubular sleeve extends from only one side of the flange and that the fitting is positioned and welded on one side of the chamber wall. Dependent Claims 30 and 31 have also been amended to provide for a singular tubular extension.

Since claim 22 has been amended to delete the provision that the chamber wall is a manhole chamber wall, Applicant has added new Claims 56 and 57 which are dependent on Claim 22 to include that the fitting additionally comprises a manhole chamber wall, or a sump chamber wall, respectively. Additionally, new Claims 58 and 59 are identical to new Claims 56 and 57 except that they are dependent upon

independent claim 32.

Finally, Applicant has also added new independent Claims 60-63. Claim 60 is substantially identical to previously submitted claim 32 except that it does not claim the chamber wall to be a manhole chamber wall. New Claim 61 is identical to previously submitted claim 38, new independent Claim 62 is identical to previously submitted claim 39 and new independent Claim 63 is identical to previously submitted claim 55; claims 38, 39 and 55 now require the provision of fitting being adapted to be positioned and welded on one side of the chamber wall.

Turning now to the § 103 rejections, the rejection of claims 22, 23, 25-32, 34-39, 54-55 as being obvious over Gavin in view of Evans is respectfully traversed. Gavin, U.S. Patent No. 5,655,564, is not relevant to the scope of the claims in view of the amendments made herein, specifically that the tubular sleeve extends from only one side of the flange.

At the outset, it should be noted that the arrangement of Applicant's fitting is unique in the art and provides a unique benefit. In particular, the prior approaches using various fittings and techniques to form substantially fluid tight seals between an opening and a chamber wall with a pipe passing through the opening have been vulnerable to buckling of the chamber wall. Surprisingly, the fitting of the present invention, though very simple and cost effective to manufacture and install, is able to resist such buckling by virtue of its unique arrangement. Indeed, when carrying out the conventional integrity testing of the chamber, which entails evacuating the chamber, the chambers tend to be much more rigid against such buckling collapse than

even chambers that have no pipe opening at all.

The types of fittings normally used in the fuel piping industry for creating the fluid tight seal between the opening and the manhole chamber wall (or sump chamber wall) and pipe passing through the opening has generally been a mechanical fitting, with the fitting generally being held in place by bolts passing through bolt holes in a mounting part of the fitting and having a flexible boot coupled to the fitting to seal between the fitting and pipe wall. In general, these prior art fittings suffer leakage at the bolt holes and at the flexible entry boot. The flexible boots tend to be vulnerable to deterioration through corrosion by fuel and through aging. Furthermore, the entry seals are vulnerable to failure due to movement of the manhole chamber/sump chamber walls and due to cold flow, as well as vulnerable to weakness and distortion of the sump walls (which are generally of polyethylene). Indeed, prior to the advent of the Applicants' electrofusion entry seal fitting, the competitor fittings would generally only be sold with a very short warranty of one to two years. In contrast, Applicants provide a 30 year warranty for their seal.

The fitting system of the present invention is, unlike the prior art, able to provide an effectively monolithic fuel containment system with no bands or clamps to break, stretch or deteriorate and provides an effective, permanent seal.

Applicants have pioneered the use of electrofusion in fuel pipe applications and have had to surmount considerable prejudices from the industry in so doing. Indeed, the cost of the approach adopted by the present Applicants is several times that of the prior art approach. Applicants have found the approach which works well and to the point where the high cost of the apparatus is more than offset.

Finally, Applicant hereby requests a three month extension of time in which to respond to the outstanding Office Action. Moreover, payment for 2 newly added independent claims is required. As such, Credit Card payment form no. PTO-2038 in the amount of \$ 710.00 is enclosed to cover the extension fee (\$ 510.00) and the new independent claim fee (\$ 200.00). Any fee deficiency or overpayment may be charged or credited to applicant's Deposit Account No. 07-0130.

In view of the foregoing reconsideration and withdrawal of the rejection is earnestly solicited.

Respectfully submitted,

WRIGHT, ET AL.



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